

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

FONDIA MOORE,

Plaintiff,

v.

DOUG WADDINGTON, et al.,

Defendant.

Case No. C06-5449RJB

ORDER DISMISSING  
CASE

This matter comes before the court on the Report and Recommendation of the magistrate judge.  
Dkt. 22-1. The court has reviewed the relevant documents and the remainder of the file herein.

On August 8, 2006, plaintiff, who is proceeding *pro se* and *in forma pauperis*, filed this civil case.  
Dkt. 1. On January 29, 2007, U.S. Magistrate Judge Karen L. Strombom issued a Report and Recommendation, recommending that defendants' motion to dismiss be granted and that the complaint be dismissed for failure to state a claim. Dkt. 22-1. On February 7, 2007, the mail containing the Report and Recommendation was returned to the Clerk as undeliverable by the United States Post Office. Dkt. 23. On February 9, 2007, the Clerk re-sent the Report and Recommendation to the forwarding address on the returned mail. The court has received no response or objections from plaintiff to the Report and Recommendation.

Under Local Rule CR 41(b)(2):

A party proceeding *pro se* shall keep the court and opposing parties advised as to his current address. If mail directed to a *pro se* plaintiff by the clerk is returned by the Post Office, and if such plaintiff fails to notify the court and opposing parties within 60 days

1 thereafter of his current address, the court may dismiss the action without prejudice for  
2 failure to prosecute.

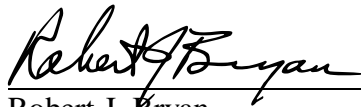
3 Plaintiff is proceeding *pro se* in this matter. Correspondence directed from the Clerk's office was  
4 returned by the Post Office as undeliverable. More than sixty days have passed since the Clerk's office  
5 received the returned mail, during which time plaintiff did not advise the court of his current address.  
6 Pursuant to Local Rule CR 41(b)(2), this action should be dismissed without prejudice for failure to  
7 prosecute. In the alternative, the court has reviewed the Report and Recommendation and concurs with  
8 the recommendation of the magistrate judge; the case should be dismissed for failure to state a claim.

9 Therefore, it is hereby

10 **ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE**.

11 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to plaintiff  
12 at both the address on file with the court and the forwarding address provided by the Post Office on the  
13 returned mail.

14 DATED this 16<sup>th</sup> day of April, 2007.

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16 Robert J. Bryan  
17 United States District Judge  
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